

REMARKS

Claims 1-18 to more clearly set forth applicant's invention. New claims 19-24 have been added.

Independent amended claims 1, 7, and 13 as well as new independent claims 19 and 22 each include that the imaging means simultaneously images all the encoded symbology from all of a number of articles.

The reference to Li et al (US 5,504,319), contrary to the Examiner's comments, can only image the bar coded symbology of a single article at a time. There is no teaching, showing or suggestion in Li et al of imaging a number of symbology encoded articles simultaneously as claimed.

The low resolution scanner of Li et al determines the location and orientation of the bar code(s) on a single article and thereafter the high resolution scanner of Li et al scans the bar code(s) on that same article as detected by the low resolution scanner for decoding (see column 2 beginning at line 60). Thus it is unquestionably clear that Li et al does and can only scan the bar code(s) on a single article at a time; and in fact requires two scans of the bar code(s) on the single article to effect decoding of the bar code(s).

The Examiner is respectfully reminded that under 35 U. S. C. 102 the single reference must show every claimed element as claimed.

Claims 2, 8 and 14 as well as new claims 19 and 22 patentably distinguish over Li et al in view of Oizumi et al (US 5,770,848) for the reasons set out above. More importantly these claims include additional subject matter which further distinguishes them over Li et al as well as over Li et al in view of Oizumi et al. Here again Oizumi only reads the encoding of one article at a time and does so with a highly complex scanner. Thus Oizumi's support means only receives one article at a time and images only one article at a time and not the number of articles as claimed. Oizumi et al thus does not show, disclose or even suggest any combination at all of the scanner and the Li et al scanner nevertheless one over which these claims would be unpatentable. Applicants disagree with the Examiner's statement as to obvious experiments.

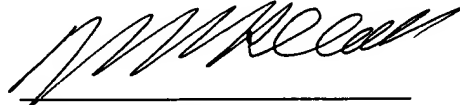
Claims 3-5, 9-11, 15-17, 20 and 22 patentably distinguish over Li et al in view of Oizumi et al and further in view of Gusmano (US 5,532,845) for the reasons set out above. More importantly these claims include additional subject matter which further distinguishes them over the three applied references. Gusmano teaches and shows using multiple CCD's to image a single document, one document at a time; and not to simultaneously image multiple articles each with encoded symbology as claimed. Thus the only thing obvious is that there is no disclosure, teaching or suggestion of any combination of these references nevertheless one over which these claims would be unpatentable.

It appears that the Examiner has selected bits and pieces of prior art from 3 references and has kluged them together to fabricate a scanner and scanner process. This could only be done in view of Applicant's disclosure and such is not available to the Examiner for that purpose.

Claims 6, 12, 18, 21 and 24 patentably distinguish over Li et al as modified by Oizumi, Gusmano and further in view of Cohen et al (US 6,331,437) for the reasons set out above. More importantly these claims include additional subject matter which further distinguishes them over the applied references. While Cohen et al shows multiple bar code encoded test tubes in a rack it is important to remember that Cohen et al shows and teaches reading such bar codes one test tube at a time and not simultaneously for all test tubes. It appears again that the Examiner has pieced together a number of features from a number of references none of which show, teach or suggest such a combination. Thus the Examiner must have relied upon Applicants' teachings for same and Applicants' teachings are not available for such purpose.

In view of the above claims 1-24 are definite and particularly point out and distinctly claim the claimed subject matter. Claims 1-18 further are patentable over, and patentably define over, the references of record, taken either singly or in combination. Allowance thereof and of this application is in order and such action is respectfully solicited.

Respectfully submitted,



Morris I. Pollack, Reg. 20, 270
Attorney for Applicants
19 Eberhardt Road
East Hanover, NJ 07936

(973) 386-1651 (Phone)
(973) 515-0883 (Fax)
IPMIP@aol.com (Email)